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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL L. OVERTON,
Plaintiff,
v.
U.S. POSTMASTER GENERAL, et al.,
Defendants.

No. 2:18-cv-0266-EFB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner confined in Atascadero State Hospital proceeding without counsel in an action brought under 42 U.S.C. § 1983. On February 13, 2018, the court issued an order striking plaintiff's complaint (ECF No. 1) because he had not signed it. ECF No. 7. Upon further review of the docket, it appears that the signature page to plaintiff's complaint was filed as an addendum in a separate docket entry (ECF No. 2). Therefore, the court will vacate the order striking the complaint as unsigned.

On February 13, 2018, the court also granted plaintiff thirty days to either pay the \$400 filing fee or submit an application for leave to proceed in forma pauperis. The time for acting has passed and plaintiff has not paid the filing fee, submitted an application for leave to proceed in forma pauperis, or otherwise responded to the court's order.

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Accordingly, IT IS ORDERED that:

1. The February 13, 2018 order to strike plaintiff’s complaint as unsigned is vacated.
2. The Clerk of the Court shall randomly assign a United States District Judge to this case.

Further, IT IS RECOMMENDED that this action be dismissed without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the objections shall be served and filed within fourteen days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

Dated: April 10, 2018.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE